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Presentation before the U.S. Election Assistance Commission, May 17, 2007

I bring you greetings from the Board of Advisors. I am honored to be the Chair of the Board of Advisors and in that capacity to appear before you today. I look forward to working with the two new commissioners, Ms. Hunter and Ms. Rodriquez. Madam Chair and Commissioner Hillman it is always a pleasure to continue our dialogue.

I am also pleased to appear with my colleague Ms. Peggy Nighswonger, Chair of the Executive Committee of the Standards Board and Director of Elections of Wyoming.

We have been asked to provide an update on our respective Board's activities and to suggest additional roles the Boards may play in the future of the EAC. In addition, I will also provide comments on the studies commissioned by the EAC, the Denver conference on the cost of certification, the Technical Guidelines Development Committee and the review of the next iteration of guidelines.

The Board of Advisors should be playing a more active role in the studies commissioned by the EAC. Section 247 of the Help America Vote Act (HAVA) clearly directs the Commission to "carry out its duties under this subtitle in consultation with the Standards Board and the Board of Advisors." The Advisory Panel on Election Administration that functioned under the Federal Election Commission met periodically to receive information from the FEC staff, but never really reached the status of an advisor. HAVA attempted to remedy that by specifying the Boards' responsibilities. Our members look forward to a more active role in working with the EAC within the scope of HAVA

In some instances we have reviewed the studies before they were accepted by the EAC and in others we have been briefed on the scope, direction and progress of particular studies. I realize that making a study available to the Boards is making the study public. There are reports where that is not an issue. For example, the Boards reviewed the Provisional Balloting Study and found the draft lacking in significant areas. I believe we played the role intended by HAVA in reviewing that document. There must be some avenue for involving the Boards more actively in the work groups or peer review of the studies before they accepted by the EAC or become public.

I urge the Commission to continue to look to the academic community for research resources. That community is discovering you and they have much to offer in a non-partisan way. I urge you to keep the partisan and ideology concerns out of the balancing of research teams. Good, solid research that is closely monitored under exacting contractual provisions with thorough peer review should carry the day.

The members of the Board of Advisors are available to assist in peer review. I would urge that all studies be submitted to the Boards prior to EAC acceptance or rejection.

I found the Denver conference on the cost of certification one of the better conferences because all of the stakeholders were at the table. Brian Hancock ran a first-rate meeting.

The Denver conference brought to light a number of issues with respect to the Voluntary Voting System Guidelines. First, there are several testing protocols that can be employed to reduce the certification costs to a number of states and manufacturers. For example, volume testing is conducted by a few states, yet this test data would prove beneficial to all states.

Second, it became apparent that there is a major stakeholder absent from the TGDC: the voting system manufacturers are not represented on this critical committee. I urge the EAC and Dr. Jeffrey to find a spot at the table for the manufacturers. It is my understanding that NIST's general approach to standards development is to bring together all the interest in a particular field to reach consensus agreements. Our speaker in Denver is involved in the regulation of gaming equipment for the state of Nevada. He too has a very collaborative process for developing gaming machine standards that involves the state, the gaming operators and gaming machine manufacturers. The same model fit in the elections arena.

I do not know whether the manufacturers are interested in a seat at the table. I recommend that they be offered at least one seat so that they may contribute to the guideline development process and bear some responsibility for the final product.

Third, I found the technical difference of opinion very insightful. On a number of instances different technical approaches were debated where a non-technical person would have thought agreement would be easy.

Finally, the conference focused on the cost of certification. While important, a more critical aspect of the guidelines is the eventual cost of the voting systems. Is there a cost benefit analysis being made with regard to the impact the guidelines will have on the bottom-line cost of the voting systems? I fully understand that the manufacturers' claims of additional cost must be verified and not taken at face value. I have heard that fact checking has occurred in a few instances. That is a good thing.

The states have applied HAVA funds to the purchase of new voting system either as direct purchases by the state or as a pass through to local governments. Suffice it to say an expectation of state aid for these

purchases has been established. I am told by manufacturers that the life span of an optical scan tabulator may be as short as seven years. We cannot have guidelines that drive voting system cost beyond reasonable levels.

The Board of Advisors is preparing to review of the next iteration of the Voluntary Voting System Guidelines. I am very pleased with the collaboration between the EAC and the Standards Board in developing the Virtual Meeting. We are eager to participate in this initiative as a means of making the review process more reasonable and meaningful to us and to you.

I understand there is contract to translate the guidelines into English so that election officials and the public may comprehend the scope, purpose and implications of the guidelines. This is a critical element that must precede any review period established by the Commission. Members of the Board of Advisors are fully employed in other endeavors and should not be expected to wade through technology linguistics to perform their duties on this Board.

The Board of Advisors and the general public will require nine months to a year to complete the review. In addition I fully expect the review to require another trip to the drawing board by those responsible for guideline development.

It is important to insure that everything that is necessary be included in the next iteration of the guidelines so that the development process may rest for a number years. Timing should be keyed on the next purchase cycle, not on the next one or two election cycles.

The 2005 guidelines were minimal in comparison to the next iteration. Manufacturers tell me the 2005 guidelines may require a new box - new hardware - for optical scan tabulators. I find it very unlikely that all the systems we bought in the past three years will be discarded for a new 2005 compliant system. It is likely that many of us will live with the 2002 compliant systems until these systems expire. The question is: What is the rush?

I thank you for the opportunity to report on the activities of the Board of Advisors and to present my thoughts to you on these critical issues.